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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,543	02/12/2004	Harold M. Bates	CO15043/0174944	9840
7590 03/24/2008				
Stephen P. Gilbert, Esq. BRYAN CAVE LLP 1290 Avenue of the Americas New York, NY 10104			EXAMINER VENC1, DAVID J	
			ART UNIT 1641	PAPER NUMBER
			MAIL DATE 03/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/777,543

Applicant(s)

BATES, HAROLD M.

Examiner

David J. Venci

Art Unit

1641

All participants (applicant, applicant's representative, PTO personnel):

(1) David J. Venci (USPTO).(3) Eileen Ebel (Bryan Cave, LLP).(2) Long V. Le (USPTO).

(4) _____.

Date of Interview: March 11, 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: of record.

Identification of prior art discussed: of record.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____.

Eileen Ebel (Reg. No. 37,316) disclosed that she is not an attorney-of-record in this case but is a recent member of the law firm that is the firm-of-record, and accordingly, she was given permission by someone in the firm-of-record to represent Applicant. Applicants make the following arguments:

1. Applicant's invention has utility because the term "asymptomatic" recited in the preamble phrase "asymptomatic for coronary artery disease" is intended to modify "coronary artery disease", and not merely "disease". The "asymptomatic for coronary artery disease" patient group is intended to encompass both healthy and non-healthy patients, both of whom are asymptomatic.
2. Applicant's invention has utility because the specification at p. 45, line 7 discloses "good separation" between populations of patients versus controls.
3. Applicant's invention is directed to a statutory invention because both independent claims 1 and 22 affirmatively recite "a sample" from a patient.
4. The claimed steps reciting the phrase "based on" refers to specific mathematical transformations and resultant defined cut-points, as described in the specification Table I. The claimed "comparison" steps incorporate said cut-points defined by Table I. To improve clarity, Applicant's representative proposed deleting the phrase "based on" and replacing with "for". The specification at p. 27, lines 20-24 provides support for this replacement.
5. To improve clarity, Applicant's representative proposed amending claim 22, step (d), by deleting the infinitives "to permit" and "to assess" and replacing them with "for" and "to determine", respectively. The specification sentence bridging pp. 31-32 provides support for the replacement of "to assess" for "to determine". The proposed amendments were principally determined to overcome rejection under §112, second paragraph.

To overcome utility and statutory subject matter rejections under §101, Examiners recommended incorporating the limitations of claim 11, which appears to require performing specific immunoassay steps with specific monoclonal antibodies.

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

/Long V. Le/

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required